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RUCNEEC/EASTERN EUROPEAN COUNTRIES COLLECTIVE

UNCLAS SECTION 01 OF 07 SKOPJE 000203

SIPDIS

DEPT FOR CA/FPP AND EUR/SCE (STINCHCOMB)
DEPT PASS TO CONNECTICUT PASSPORT AGENCY FOR HANS MAURER
POSTS FOR CONSULAR FRAUD PREVENTION MANAGERS AND DHS

E.O. 12958: N/A

TAGS: [KFRD](#) [CVIS](#) [CPAS](#) [CMGT](#) [ASEC](#) [KV](#) [MK](#)

SUBJECT: FRAUD SUMMARY - SKOPJE

Ref: 08 SKOPJE 395

SUMMARY: This fraud summary covers the six-month period from September 2008 through February 2009. Post saw routine NIV, IV, and ACS fraud during the period; however a routine review of media reports by FPU revealed a common pattern of B visa abuse by local artists and performers. This sparked an investigation which has resulted in several visa revocations and is ongoing. Post met with counterparts from the European missions to coordinate a fraudulent document referral program with the Macedonian police.
END SUMMARY.

(a) Country conditions: Macedonia and Kosovo both continue to suffer from high unemployment, with significant numbers of individuals living below the poverty level. Due to the shortage of economic opportunities, many seek to leave the region to live and work illegally in the EU and the U.S. Document fraud exists in both countries due to lack of strong institutions and pervasive corruption, though the problem is especially acute in Kosovo. Kosovo is going through a period of transition after its declaration of independence and post records show that during previous times of crisis and uncertainty, such as in 1999 and 2001, overstay rates and NIV fraud increased. The Kosovo Ministry of Internal Affairs began issuing passports and travel documents on July 29, 2008. Many of the functions formerly administered by the UN Mission in Kosovo continue to be turned over to local counterparts, and document and visa fraud may increase as a result. In December 2008 the EU Rule of Law Mission (EULEX) formally replaced the UN Mission in Kosovo (UNMIK) after the end of UNMIK's mandate. EULEX will assist and support the Kosovo authorities in the areas of rule of law, specifically in the police, judiciary and customs areas.

Post shipped a total of 726 CAT1 files to Kentucky Consular Center (KCC). The files reflected CAT1 records from 1996 to the present day and had been maintained in storage at post. The files were sent for scanning and permanent archiving in the Kentucky Consular Center.

(b) NIV fraud: Post continues to scan all supporting documents for all non-B applications (including C1/D, J, F, H, O and P visas).

Consular officers referred 182 NIV cases to the FPU, which confirmed fraud in five cases. Suspicious documents were noted in five cases. The five cases of confirmed fraud will be discussed in detail below followed by an overview of other suspicious and/or potentially fraudulent cases which Post encountered during the period.

In the longest running and most interesting of the fraud cases, an NIV applicant applied for a B visa to attend an alumni program at Harvard in October 2008. This applicant had been refused under section 212(a)(6)(C)(i) in 1995 after she submitted false documentation in support of a DV application in an effort to avoid her two year residency requirement stemming from her participation in a J visa exchange program. Subsequent to this finding, the applicant visited the U. S. multiple times on G visas for which the ineligibility did not apply. In 2004, she applied for a G visa along

with her purported fianc who was issued a B visa to visit the U.S. during the applicant's tenure there. Post's callback program later revealed that the man was not, in fact, her fianc and was married to another individual. The applicant confirmed that she had never been engaged or married to the man. Post is unsure about the man's actual purpose for travel though he did return to Macedonia after a five month stay in the U.S. At the most recent visa interview, the interviewing officer explained to the applicant that she would need to apply for a waiver of her ineligibility; she chose not to request one and was refused.

In the second case, an applicant for a J-1 au pair visa was asked to bring proof of her student status. She submitted suspicious-looking attendance records and grades reports. The FPU reviewed the documents and contacted the university to verify their authenticity. The university confirmed that the documents were falsified and advised the FPU that the student had contacted the university, purporting to be a U.S. embassy employee, and tried to obtain information about the FPU investigation. The applicant was re-interviewed and she admitted that the documents were false and that she had contacted the university under false pretences. She was refused under Section 212(a)(6)(C)(i) due to material misrepresentation.

The third case involved a professor from Mehmet Akif private college in Kosovo who applied together with a colleague. While his colleague planned to visit a partner school in Texas, the applicant stated he wanted to go to Pennsylvania to visit Fethullah Gulen, founder oQ the network of schools, of which Mehmet Akif College is a member. Although the applicant indicated he was not accompanying his colleague to Texas, his name appeared on the invitation letter. He had previous refusals in Turkey and had taught in Turkmenistan and Syria. He had weak ties to Kosovo and vague travel plans. The

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applicant appeared to be using his colleague's legitimate travel as a cover to enter the U.S. and was refused under Section 214(b) of the INA. This case is particularly relevant due to a recent application by another professor from the same school, with a similar travel history to unusual places, who appeared to be using the cover of a group of students visiting a science fair to apply. He applied two weeks earlier than the group and could not discuss their purpose of travel intelligently. He was also refused under Section 214(b).

In the fourth case, an NIV applicant did not disclose on the DS-156 form a previous arrest in the U.S. for criminal drug possession. The IAFIS check revealed the arrest record and the applicant admitted in a subsequent interview that he had been arrested for cocaine possession. He did not complete his suspended sentence of community service and instead left the country. Per the guidance in the advisory opinion from CA/VO/L/A the applicant was refused under Section 212(a)(6)(C)(i), due to material misrepresentation, and Section 212(a)(2)(A)(i)(II), as a controlled substance violator. The applicant expressed a desire to continue with his visa application and the case is ongoing, pending further documentation and his waiver requests.

In the final case, the applicant claimed to be divorced; however a Lexis Nexis check revealed that her husband was residing in the U.S. When confronted with this information, the applicant admitted that her husband and son had immigrated illegally to the U.S. The applicant was refused under Section 214(b).

During the period, 11 individuals reported the loss/theft of their passports containing valid U.S. visas. None of the cases appeared to involve any fraud by the passport holders. All of the visas were reported to CA/FPP and appropriate lookouts were entered in INK as per the SOP.

Additional fraud encounters:

A chance reading of a newspaper article led to the discovery of widespread B visa abuse by local artists and musicians. The fraud LES member read an article in a local paper which included an interview by a well-known Macedonian musician. The article included

quotes from the musician about his recent concert series in the U.S., however FPU found that he did not have an approved P petition and was performing on a B visa. Using open source tools such as Google and YouTube, the FPU found multiple records of paid performances conducted by this artist. During the investigation, the FPU also found references to many other artists from Macedonia and Kosovo who performed in the U.S., without approved petitions, in violation of their B status. This investigation is ongoing. In the meantime, however, the B visas of five performers have been revoked and post has changed its procedure to include an information letter which will be given to all performers applying for B visas. The letter outlines the activities allowed while traveling on a B visa and advises about the consequences of performing without an approved petition.

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Post was able to successfully conclude a case of B visa abuse by a married Macedonian couple. In the summer of 2008, post received a poison pen letter stating that the visa holder and his spouse were travelling to the U.S., living in New Jersey, and illegally working as asbestos inspectors. A Lexis Nexis search showed records consistent with illegal employment for the husband and bank records for both applicants. ADIS showed multiple entries and exits from the U.S. for the couple since they received their visas in 2002. The couple appeared to be living in the U.S. for approximately five months each year, always traveling at the same time. After receiving the poison pen, FPU reviewed ADIS records which indicated the husband was in the U.S. at that time. FPU waited until the husband returned from the U.S. and then revoked both visas, as per the advisory opinion received from CA/VO/L/A. Post attempted to contact the applicants by telephone but was not successful and then mailed written notifications to the address indicated on the applications. Upon receiving notification, the applicants contacted the consular section. They spoke with a consular officer and admitted to working in the U.S. while on tourist visas.

A group of 22 beneficiaries under one H2B petition applied to work as truck drivers for a Chicago-based trucking company. The FPU had a previous encounter with this company which was associated with overstays by previous applicants. Chicago is a nexus for illegal immigration from Macedonia. Many of the applicants displayed poor qualifications for the employment they were going to assume and weak ties to Macedonia. One beneficiary had a direct CAT1 hit for a possible crime involving moral turpitude. All the applicants were refused under Section 214(b). After a request for re-application was received from the petitioner's attorney, we allowed 11 to reapply and three were issued after presenting additional documentation and displaying better knowledge about their prospective employment in the U.S. and a command of the English language. The FPU will conduct callbacks on the issued applicants and verify their return.

The bankruptcy of the U.S. company "Century Pool" was followed with interest in Macedonia as students have worked for this company for years as part of the Summer Work and Travel program. The overstay rate for participants working for this company has consistently been less than 10 percent. This year, despite the company's problems and their non-payment of employees, post is proud to announce a zero percent overstay rate for the students who worked for Century Pool in the U.S. in 2008. The students were contacted upon their return to Macedonia and they all shared their disappointment with Century Pool, however several of them expressed the desire to participate in 2009 Summer Work and Travel program again. The payment issues and contractual problems that the students experienced with Century Pool were reported to CA/VO and ECA/ECD.

(c) IV fraud: Officers referred 161 cases to FPU for both IV and DV cases. Two IV cases were confirmed to involve fraud; both applicants had previously attempted to travel or applied for an immigration benefit with forged documents. Two DV cases were confirmed to involve fraud; both applicants submitted fraudulent diplomas in support of their applications and were refused under Section 212(a)(6)(C)(i).

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Post continues to forward cases which involve potential tax fraud to the IRS office in Frankfurt. Post sent ten cases to IRS Frankfurt for suspected tax fraud during the reporting period.

Post conducted 65 investigations of various types, including official requests for document verification, personal visits by consular staff, and review of open source materials, in relation to family-based visa applications. There were no instances of fraudulent documents submitted to post in association with a family-based petition during the reporting period.

The immigrant visa unit returned 22 IV petitions to DHS as not clearly approvable during the period. Each case was accompanied by a cover memo recommending revocation of the petition and summarizing the relevant fraud indicators.

During the reporting period the immigrant visa unit forwarded eight waiver requests for various Grounds of Excludability, associated with IV petitions processed at post, to the DHS/CIS office in Vienna, Austria.

Post continues to proactively combat fraudulent marriage cases by screening applicants who appear for notarization of the required "Free-to-Marry" statements. Consular officers and ACS staff conduct mini-interviews of the applicants to gauge whether possible fraud exists. Questionable cases are referred to NVC's FPP unit with a write-up about the case which is then entered by NVC FPU as a lookout. The FPU then automatically receives the case file when it appears at NVC for the documentary review.

(d) DV fraud: Post continues to verify every high school diploma submitted in support of Kosovo DV cases as part of its SOP. High school diplomas submitted in support of DV cases from Macedonia are verified on a case-by-case basis. A total of 35 investigations were conducted for high school diploma fraud. Two cases were proven to be fraudulent by FPU, while six cases are still open pending the investigation results. The percentage of high school diploma fraud for Kosovo applicants continues to show a significant decline during this reporting period. Post now sends a consular investigator to visit the issuing high school in person to review the supporting records. Many of the cases which involve fraud are done in collusion with school officials; however the officials cannot alter all of the supporting records without drawing unwanted attention. The personal visits have resulted in quick identification of the fraudulent cases. Post attributes the continuing decline in Kosovo DV fraud to wider public knowledge about the rigorous verification process.

One DV case was refused under section 212(a)(2)(A)(i)(I) for a Crime Involving Moral Turpitude due to a police records check which returned positive for a criminal conviction.

(e) ACS and U.S. passport fraud: Three passport applications at post had positive CLASS hits. One case was completed and the passport was issued as per OCS guidance. In a second case, the CLASS hit revealed an outstanding warrant for the applicant in the U.S. Post worked

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with CA/PPT and the RSO to develop a response. The ARSO at post interviewed the applicant who confessed to the crime and agreed to return to the U.S. to face prosecution. Per instructions from CA/PPT, the consular section provided the applicant with a denial of passport letter and informed him that he could be issued only a limited passport for direct return to the U.S. The applicant indicated that he wanted to document his children as U.S. citizens, which was why he was applying to renew his own passport. To date, he has not returned to the consular section to either document his children or to indicate he is ready to return to the U.S. The final case remains open pending receipt of further documentation from the applicant.

In November 2008 the Kosovo police advised Embassy Pristina that an American citizen and his LPR partner were involved in visa fraud in Kosovo and that there was an outstanding warrant for their arrest. The two had opened an office in Gjilan, Kosovo and launched a

website claiming they could assist people in obtaining a U.S. visa. The Kosovo police opened the investigation after several people filed complaints stating they had paid money to the men but had not received their visas. When the police raided the office, they found sufficient evidence to issue the warrants, but were unable to locate the men. The FPU has no information that indicates either the American citizen or the LPR actually approached the consular section in either Skopje or Pristina on behalf of any visa applicants. When post was informed of the arrest warrants, we immediately notified neighboring posts in case the men showed up requesting assistance, and entered notes into the ACS system. FPU later learned that the two men did show up at Embassy Tirana requesting a travel letter to enable the LPR to return to the U.S. During the course of processing his request, Embassy Tirana discovered there were outstanding warrants in the U.S. for the LPR. In March 2009, Embassy Tirana informed FPU that the LPR did get a transportation letter and was arrested at the port of entry in the U.S. upon his return.

(f) Adoption Fraud: There were no cases of adoption fraud during the reporting period.

(g) Use of DNA testing: Two IR2 IV cases were returned to NVC for revocation after the DNA results showed that the petitioner was excluded as the biological parent of the beneficiaries. FPU cannot confirm whether the petitioner believed the beneficiaries to be his biological children or whether this was a case of attempted fraud.

(h) Asylum and other DHS benefit fraud: Post continues to process Visas 92 and Visas 93 cases. In the reporting period, post issued a total of 50 Visas 92 to beneficiaries of asylum claims.

We returned one Visas 92 case for revocation. The petitioner and the beneficiary were officially divorced at the time the petitioner was granted asylum and at the time he filed the follow-to-join paperwork for his wife. They did not remarry until after the petition was filed.

Post issued four transportation letters to returning residents. Post sent three expired green cards and two expired Refugee Travel documents to DHS Vienna as the holders had naturalized as U.S.

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citizens.

(i) Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel: The Macedonian government continues to press criminal charges against individuals who are involved in alien smuggling and human trafficking. Both are considered criminal offenses in Macedonia.

The Macedonian media continues to report on individual incidents involving attempted alien smuggling from Macedonia into Greece. These attempts are not the work of organized smuggling rings, and are unsophisticated in their execution. Macedonia, as well as other Balkan countries, is located in the path of a common route for illegal immigration from Central Asia and Eastern Europe to Western Europe and the United States. The majority of illegal immigration to the U.S. utilizes routes through Western Europe to Mexico ending in an attempt to cross the U.S - Mexico border without inspection.

(j) DS criminal fraud investigation: There were no DS investigations during the reporting period.

(k) Host country passport, identity documents and civil registry: Macedonia issues biometric passports, ID cards and driver's licenses. All of them require a personal appearance for application. See reftel for more information about Macedonia's documents.

Post has an arrangement with the Ministry of Interior to verify identity documents and civil registry documents issued to Macedonian citizens.

Kosovo started issuing their national biometric passports on July 29, 2008 and now issues all local identity documents. The UNMIK travel document is still valid; however it is being phased out. UNMIK no longer extends the validity of the travel document. FPU expects that all UNMIK travel documents will be out of circulation by mid-2010.

(l) Cooperation with host government authorities: Post has excellent cooperation with host country authorities in Macedonia and Kosovo and can send communications directly to the Ministry of Interior without first routing them through the Ministry of Foreign Affairs.

The immigration enforcement officer at the British embassy invited FPU to discuss a proposal to create a fraudulent documents referral program, whereby international missions would collect and share any fraudulent documents received in connection with a visa application to the Organized Crime Unit at the Macedonian Ministry of Interior. The point of contact at the MOI will draft a quarterly report on submissions received, providing valuable information on types of fraudulent documents being seen by various embassies and on possible trends. The MOI has agreed to this plan. In the longer term, it is hoped that the MOI will take a more active role against document and visa fraud, to which they also have agreed. To date, all EU missions in Skopje and post's FPU have decided to participate in the program. The program will start in April, with the first documents to be provided to the embassies' point of contact by April 15. The EU

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mission of the country with the EU presidency will take responsibility for collecting and preparing the documents to be provided to the MOI.

(m) Areas of particular concern: Kosovo and Macedonia have signed new legislation regarding the expunction of criminal records. After specific periods of time, or after a judicial order, certain criminal records can be expunged from an individual's record. This may lessen the value of court and police certificates for the IV and DV process. Post will continue to work with the Ministries of Interior and the RSOs in both countries to develop contacts for cases when verification of criminal records is needed.

(n) Staffing and training: A vice consul currently serves as Post's Fraud Prevention Manager (FPM) and the consular section has one full-time LES Fraud Prevention Assistant (FPA). One visa assistant is detailed to the Fraud Prevention Unit (FPU) on a half-time basis and serves as backup to the full-time FPA. The FPU's email address is SkopjeF@state.gov.

The FPM is James Catto (CattoJA@state.gov, 389 2 311 6180 x2223), who also serves as IV unit chief. He took the FPM course in February 2008.

Lauren May, chief of the consular section, is the backup FPM (MayLI@state.gov, 389 2 311 6180 x2107). She took the FPM course in July 2008.

The FPA is Marija Vucidolova (VucidolovaM@state.gov, 389 2 311 6180 x2183), who also serves as ACS backup. She took the FPU LES course in March 2003.

The half-time fraud assistant is Mimoza Kasapi-Nuhiu (KasapiM@state.gov, 389-2 311 6180 x3144). She spends approximately 60 percent of her time on fraud-related issues. She attended the FPU LES course in March 2009.